761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: July 20, 2001

OFFICE CORRESPONDENCE

FILE:

FROM: RICHARD L. CASTRO, COMMANDER
TRAINING DIVISION

TO: THOMAS E. PIGOTT, CAPTAIN
LANCASTER STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, AUGUST 24, 2000, IAB REVIEW #2018726**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on August 24, 2000.

The Committee met on July 19, 2001 and consisted of myself, Commander David Betkey (Commander of the Department) and Commander Michael Kenyon (Commander of the Department). The Committee determined that the use of force by Deputies Thomas Carter #[redacted] and [redacted] #[redacted] was within Department policy. Please advise the deputies of this finding.

RLC:KRK:kk

TABLE OF CONTENTS

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 08/24/00	Bureau/Station/Facility: Lancaster Station	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 000-11759-1126-011	Date: 08/24/00 Time: 1957
City or Station: Lancaster	Nature of Incident: Suspect slashed at the victim with a machete and then at Deputy [redacted] Deputy Carter shot the suspect once, fatally wounding him.
Location: [redacted] Kingtree Avenue, Apt. [redacted]	

Location Type (*circle one or more*):	Lighting (*circle only one*):	Incident Type (*circle one or more*):	Initiated by (*circle only one*):
Backyard	Darkness	Accidental	Arrest Warrant
Beach	Daylight	**(Armed Person)**	**(Call)**
Business	**(Other)**	Fleeing Suspect	Observation
Freeway	Street Lights	Foot Pursuit	One Person Unit
Industrial		Gun Take Away	Other
Park	Weather (*circle only one*):	Moving Vehicle	Search Warrant
Parking Lot	**(Clear)**	Sniper/Ambush	Two Person Unit
(Residence)	Cloudy	Startle	
Rural	Fog	**(Struggle Involved)**	Prior Activity (*circle only one*):
School	Rain	Traffic Stop	Detective
Street		Unarmed Person	Inmate Transport
Other: ______		Unintentional	**(Other)**
	Distance: 4 feet	Vehicle Pursuit	Routine Patrol
		Warrant Service	
Total # of Shots Fired by Deputy: 1	Total # of Shots Fired by Suspect: 0	Other: ______	Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*):	ShiftType (*circle only one*):
[redacted]	[redacted]	[redacted]		EM [redacted] Day	[redacted] Overtime Off Duty
[redacted]	SIKICH,	JOHN		EM **(PM)** Day	**(Regular)** Overtime Off Duty
[redacted]	TIMM,	STEVE		EM **(PM)** Day	**(Regular)** Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*):	
[redacted]	FREDERICKS,	STEVEN	E.	**(On Duty)** Present during shooting	Witness to shooting Involved in shooting
[redacted]	SANDERS,	WILLAM	J.	**(On Duty)** Present during shooting	Witness to shooting Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	PEREZ,	JOHN	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	RAULSTON,	EDWARD	D.

PSTD Use Only
SH # 2018726

SH-R-438A rev. 3/97

See Reverse

Rollout Information					
Arrival Date 08/24/00	Arrival Time 2250	Date Submitted 06/18/01	Date of Recommendation		
Employee # [redacted]	Last Name GREENE		First Name JERRY		M.I S.
Employee # [redacted]	Last Name ZOMBEK		First Name ROGER		M.I A.
Employee # [redacted]	Last Name JOHNSON		First Name GREGORY		M.I A.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	Wit	OE					NN	
E#1	S#1	FH	BR	9	Y	Y	GS	BK

Officer Involved Shooting
Involved Employee Information

URN: 000-11759-1126-011

Involved Employee

E 1

Employee # [redacted]	Last Name CARTER	First Name THOMAS	M.I. W.
Sex: M Race: W.	Rank Deputy B-1	Unit Assignment: Lancaster Station	Work Assignment (Unit #, Module, etc.): 111E
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 5-6	Weight: 175		
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 3
Field Training Officer Emp #	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name [redacted]	First Name [redacted]	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 000-11759-1126-011

Suspect Information

S 1

Last Name: ESCOBAR		First Name: MARTIN	M.I.: G.
AKA Last Name:		First Name:	M.I.:
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 47 D.O.B. 01/29/53	Height: 5-10 Weight: 180	FBI #: [redacted]	CII #: [redacted]
Booking #: none	Primary Charge: n/a	Secondary Charge: n/a	
Coroner Case? ☒	Coroner Case #: 2000-06075	Intoxication/Drug Usage? ☐	Substance Used: unknown
Armed? ☒	Apprehended? ☒	Mental Illness? ☒	Criminal History? [redacted]
Vehicle Make:		Model:	Year:

S

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name		M.I.
[redacted]	[redacted]		[redacted]
Street Address	**Zip Code**	**Work Ph**	**Home Ph**
[redacted]	[redacted]		[redacted]

Last Name	First Name		M.I.
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name		M.I.
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name		M.I.
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name		M.I.
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name		M.I.
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name		M.I.
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name		M.I.
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name		M.I.
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name		M.I.
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name		M.I.
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name		M.I.
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name		M.I.
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name		M.I.
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name		M.I.
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

Last Name	First Name		M.I.
Street Address	**Zip Code**	**Work Ph**	**Home Ph**

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED HIT SHOOTING
USE OF FORCE - HEAD STRIKE
IAB S2018726
000-11759-1126-011

On Thursday, August 24, 2000, Sergeants Jerry Greene and Roger Zombek of the Internal Affairs Bureau (IAB) were notified of a deputy involved shooting which occurred after Lancaster Station personnel had responded to a domestic violence call. IAB Lieutenant Gregory Johnson, Sergeant Patrick Hunter, Field Operations Training Unit, and Deputy District Attorney Thomas R. Krag and Senior Investigator [redacted] of the District Attorney's Special Investigations Division, were also present at the scene.

<u>INVOLVED PERSONNEL:</u>

<u>CARTER</u>, Thomas, Deputy, #[redacted]
[redacted] Deputy, #[redacted]
Lancaster Station
Field Operations Region I

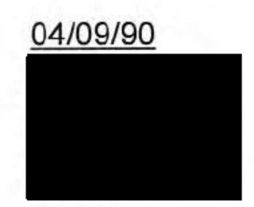
<u>EMPLOYEE WORK HISTORY:</u>

<u>CARTER</u>, Thomas

Date of Employment:	02/21/78
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	
Prior Shooting Incidents	three
Prior Founded Force Incidents	[redacted]

[redacted]

Date of Employment:	04/09/90
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	
Prior Shooting Incidents	
Prior Founded Force Incidents	



<u>SUSPECT:</u>

<u>ESCOBAR</u>, Martin, MH/47

Suspect Escobar has a [redacted]

WITNESSES:

Deputy John Sikich, #[redacted]
Deputy Steve Timm, #[redacted]
[redacted]



[redacted]

INJURIES:

Suspect Escobar sustained a fatal gunshot wound.

PHYSICAL EVIDENCE:

Refer to Exhibit A, page 68, for detailed locations of pertinent evidence.

INVESTIGATORS' OBSERVATIONS:

The IAB investigators observed the interior of the location where the shooting occurred.

WEAPONS USED BY DEPUTY PERSONNEL:

CARTER, Thomas

Service weapon type:	Beretta, Model 92F, 9mm semiautomatic pistol
Baton/flashlight/sap:	not applicable
Type of ammunition used:	Winchester 9mm Luger SXT 147gr.
Date last qualified:	[redacted]
Date last trained with weapon:	

[redacted]

Service weapon type:	not applicable
Baton/flashlight/sap:	Mag-lite flashlight
Type of ammunition used:	not applicable
Date last qualified:	[redacted]
Date last trained with weapon:	

WEAPONS USED BY SUSPECT:

Nineteen-and-a-half inch long metal machete.

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATORS/CHARGES FILED:

Investigator Linda Muse, #[redacted]
Investigator Joseph Martinez, #[redacted]
Homicide Bureau

LIGHTING AND WEATHER CONDITIONS:

Normal interior lighting; the weather was clear, warm and dry.

INVOLVED EMPLOYEES' STATEMENTS:

Deputy Thomas Carter told investigators that on August 24, 2000, he was assigned to a special detail conducting a probation/parole gang sweep at the [redacted] at [redacted] Twenty-five to thirty people participated in the operation. During this time he monitored a radio call of an assault with a deadly weapon, a man stabbing a woman, at apartment #[redacted] in the complex [redacted]

Deputy Carter said he and his partner, Deputy [redacted] proceeded to the location. As they were walking into the complex, they were told by an individual, "Hey, it's all happening back there" as he pointed over his shoulder. As they approached the apartment, a female, holding a baby and a cordless phone, said, "It's over here, he's got a knife to my [redacted] throat."

Deputy Carter said he walked to the south window of the location and looked inside through the opened blinds. He observed a television on the floor with the screen bashed out and numerous items strewn about the interior. He could not see or hear any movement inside. All of a sudden he heard thumping noises as if something was being hit against the wall. He then heard a female screaming. After hearing what he had just heard, coupled with the nature of the call, the information he had received from the female outside, he kicked the door open.

Deputy Carter related that as the door partially opened, he saw [redacted] run eastbound from the stairwell near the front door towards the kitchen. At that same time, Suspect Martin Escobar reached the bottom of the stairs, stumbled and ended up with his back facing the deputies. The suspect then turned around at which time Carter told him to get on the floor and show his hands. The suspect raised his hands up and said, "Go ahead and shoot me." Carter did not see anything in the suspect's hands and continued to order him to get on the floor. The suspect instead ran after the victim. Carter pushed the suspect to knock him off balance, but he continued running after the female.

Carter said that within seconds the suspect and victim ended up together in the hallway between the kitchen and livingroom, in a small alcove. It appeared the suspect had the victim in a head lock. Carter ran to the right side of the suspect while [redacted] went to the suspect's left side and they tried to pull the suspect away from the victim. He looked down and saw that the suspect and victim were grappling over a machete. The victim had her hands around the blade and the suspect had control of the handle. The suspect was pushing and pulling the knife. Carter yelled to [redacted] "He's got a knife, he's got a knife."

Deputy Carter said he yelled at the suspect to let go of the knife, but the suspect did not comply. He then retrieved his flashlight and struck the suspect at least three or four times as hard as he could between his shoulder blades. The suspect maintained control of the machete in his right hand and started to bring it up. He pushed the suspect against the wall, retrieved his pistol and then jammed his pistol in the suspect's back. Carter then told him, "Drop the fucking knife, damn it, or I'm going to fucking shoot you." He repeated the order three or four more times.

Carter stated the he could see Deputy [redacted] holding the suspect's hand and grappling over the machete with him. The suspect was inching himself away from the wall, possibly to give himself space, and moving towards [redacted] From that point on, Escobar's aggression was going towards [redacted] He heard [redacted] say, "I'm losing my grip, or I'm losing the knife." [redacted] was losing his grip and the machete was sliding down to his hand. It appeared that the suspect was going to cut [redacted] with the knife.

Deputy Carter said he saw Suspect Escobar start to turn counter clockwise at which time he told [redacted] to back away because he was going to shoot the suspect. He pushed the suspect as hard as he could against the wall, but the suspect bounced back. When he had his pistol behind Escobar, the suspect kept backing into his pistol, which caused the slide to push back, making it inoperative. When the suspect started to turn towards [redacted] he shot the suspect in the lower left quadrant of his back. He felt if he had not shot the suspect, he would have struck [redacted] with the machete.

Carter explained that he fired in a downward motion to prevent the round from going through the walls and striking someone else. After being shot, the suspect stiffened with the knife in his hand, started to walk forward and then collapsed. Escobar started to crawl towards the sliding glass door, began rolling around and ripping off his shirt. Carter was ready to shoot the suspect again but decided it was not necessary.

Deputy Carter said that after he shot the suspect, he advised Sheriff's Communication Center (SCC) of a deputy involved shooting and escorted Victim [redacted] outside.

Deputy [redacted] told investigators that on August 24, 2000, he was assigned to assist parole and probation units conducting a parole/probation sweep at the [redacted] directly [redacted] from the location. A radio call came out requesting the closest unit to respond Code 3 to the location regarding a spousal abuse, woman being stabbed or woman being held at knife point. [redacted] and Deputy Thomas Carter proceeded across the street to the call.

Deputy [redacted] said that as they approached the location, they were waved down by a couple of people and a female, later identified as [redacted] who told them, "He's got my [redacted] with a knife, he's holding my [redacted] with a knife." [redacted] then directed the deputies to apartment [redacted] As they arrived at the apartment, they looked through the livingroom window and observed a television on the floor with the screen broken and glass everywhere; it seemed that everything inside was smashed.

Deputy [redacted] said he heard scuffling and the muffled screams of a woman coming from behind the front door. Deputy Carter then kicked the front door open and he observed Victim [redacted] dart across the door, running towards the kitchen. Suspect Martin Escobar was standing at the bottom landing of the stairs, just inside the front door, and upon seeing Deputy Carter, raised both his hands and said, "Just shoot me, just shoot me." [redacted] and Carter both had their duty weapons pointed at the suspect and gave him several verbal commands to get down. Instead of complying, Escobar turned and ran after the victim. The deputies chased the suspect through the livingroom area and ended up in a small hallway between the kitchen and the livingroom. Victim [redacted] was in the corner of a small alcove of this hallway, with her back to the deputies. The suspect had reached the victim and it looked as if he was attacking her.

[redacted] related that he grabbed the suspect by his shirt collar, but the shirt came right off his back. Carter then yelled out, "He's got a knife, he's got a knife." He saw the suspect's arm come up and observed what looked like a machete in his left hand. The suspect's back was facing him and it appeared that he was trying to stab the victim. [redacted] reached out and grabbed the suspect's left wrist and tried to pin it against the wall. Carter, who was just to his right, struck the suspect once in the back with his flashlight.

Deputy [redacted] said he was struggling with the suspect, trying to gain control of him, but he felt the suspect had the leverage. He then struck the suspect around the crown area of his head with his flashlight; however, it did not appear to have any affect on him. The suspect began to turn to his left (counter clockwise) towards [redacted] who was still trying to hold onto the suspect's wrist, but the suspect was sweaty, wet, and very hard to hold onto. He began to lose his grip on the suspect. Escobar then started twirling the machete in his hand downward, as if he was trying to cut [redacted] arm.

[redacted] said he continued to lose his grasp of the suspect's wrist and his hand started to slide up towards the hilt of the machete's blade. He yelled to Carter that he was losing his grip on the suspect. Escobar then started to turn more to his left, trying to swing the machete down on [redacted]

[redacted] said he then lost total grip of the suspect's wrist. He told Deputy Carter he had lost his grip and that the suspect was trying to cut him with the knife. Carter told him to back off. [redacted] pushed off the suspect and backed away. Deputy Carter then fired one round, striking the suspect in the lower abdomen. The suspect turned and looked at them, stumbled to the floor and dropped the knife. Deputy Carter then transmitted through his radio that they had been involved in a shooting and requested paramedics and an ambulance.

Deputy [redacted] added that he did not see the suspect with the machete when he first saw him. He didn't know if the suspect picked up the knife from the alcove/wetbar or off the floor as he ran after the victim.

Deputy [redacted] stated that he realized the implications of striking the suspect in the head with his flashlight and that it can only be done when deadly force is appropriate. But he was scared to death to let go of the machete and felt that he was in imminent danger of being cut by the suspect. He felt that Deputy Carter's actions saved him from being attacked by the suspect with the machete.

WITNESSES' STATEMENTS:

[redacted] Suspect Martin Escobar's [redacted] told investigators that she met the suspect in 1977 at the [redacted] They [redacted] five years later. Three years into the [redacted] the suspect became verbally and physically abusive. He was always verbally abusive to the [redacted] and would hit them on occasion. He did not treat his [redacted] very well. The [redacted] subsequently separated for about five months and then [redacted]

[redacted] stated that sometime in October, 1999, the suspect suffered a subdural hematoma and was never the same after that. He began seeing a psychiatrist for a mental disorder and stress from his job at the hospital.

[redacted] said that on Wednesday, August 23, 2000, she came home late from work. The suspect came to her apartment in a really foul mood and wanted to have sex. She refused and it sent him into a rage.

[redacted] stated that on Thursday, August 24, 2000, she and her two [redacted] and [redacted] went to the suspect's residence on Sixth Street where he was living with his [redacted] to remove her property as the suspect had requested. While removing some items from the barn, the suspect approached them and for no apparent reason, threw [redacted] to the ground, called her a whore and told her to get off his property. [redacted] started to

become scared and told the suspect she wanted the keys to her apartment back. He refused to give the keys back and the request seemed to make him angrier.

[redacted] said they left the suspect's residence with whatever property they had retrieved, dropped it off at her apartment and then went to Lancaster Station to report the assault on [redacted] After waiting at the station for about an hour, they asked if a radio car could be sent to their home. They were told a car would be sent to their home to take a report.

[redacted] stated that when they arrived at her apartment, Suspect Escobar was waiting for them. She told him to leave but he said he had to go in to pick something up. She told him to wait outside, but he said he was coming in. [redacted] was already inside calling the sheriff's station. The suspect then produced the machete but [redacted] didn't know where if came from.

[redacted] said the suspect started flinging the machete around and struck her a couple of times. He then said, "It's a good day to die." [redacted] tried to help but the suspect slammed her down. [redacted] was able to get out of the apartment with her [redacted] leaving her and the suspect inside. [redacted] was present, but was outside with her [redacted]

[redacted] related that after the suspect locked the doors, all she could remember was running, trying to get away from the suspect and diverting him. She grabbed the machete a couple of times and was able to get away from him, but only momentarily. He chased her between the kitchen, the livingroom and the upstairs bathroom. He slapped her with the machete and also stabbed her with it. She was able to get back downstairs at which time the deputies entered through the front door. The suspect still had the machete and caught her at the wetbar.

[redacted] said it was at the wetbar where the deputies were trying to get a hold of him. The suspect had a hold of her with his right hand and held the machete in his left hand. She remembered hearing the deputies tell the suspect more than once to put the machete down, but he didn't comply. A deputy then fired one shot and she was pushed away or told to go away. She ran into the laundry room and stayed there until a deputy escorted her out of the apartment.

[redacted] said she does not believe the suspect was in his right mind, but the deputies did what they had to do. She thought that maybe he wanted to die and he wanted someone else to do it for him. [redacted] suffered cuts to her hands, chest and back.

[redacted] told investigators substantially the same as her [redacted] regarding the incident on August 23, 2000, with her [redacted] the assault by her [redacted] Suspect Martin Escobar, on August 24, going to the Lancaster Sheriff's Station, and the abusive relationship the suspect had with his family.

[redacted] stated that when they returned to her [redacted] house from the sheriff station, her [redacted] was outside. He came into the apartment through the garage door and wanted the rest of

his stuff. [redacted] immediately called the sheriff's station.

[redacted] said her [redacted] went upstairs when her [redacted] grabbed her [redacted] by the hair, pulled out a machete and pulled her down the stairs. [redacted] then observed the suspect try to stab her [redacted] in the back and stomach with the machete. She put her [redacted] down and attempted to protect her [redacted] then punched and kicked the suspect, but fled into the garage with her [redacted] and a cordless phone when he came at her. She attempted to get back inside but her [redacted] had locked the door.

[redacted] said that she went around to the front of the apartment where she saw some deputies walking towards her. She directed them to her [redacted] apartment. One of the deputies kicked the door open and then entered. She could not see her [redacted] or her [redacted] but thought the suspect was in the livingroom. She then heard the deputies say, "Get down. Put that down." She then heard a gunshot.

[redacted] added that her [redacted] had [redacted] three years ago. Her [redacted] was trying to take care of her [redacted] because he had suffered a subdural hematoma and her [redacted] felt she was the only one who could care for him. The suspect's behavior was never the same. He had good days and bad days. He had been shaky, unpredictable; happy one minute and the next minute he didn't want to be near you. He was also being treated by a psychiatrist and taking Buspar, Zoloft and other anti-depressants and anti-anxiety medicine. She described him as very unstable when he stopped taking his medication.

[redacted] said she had never seen her [redacted] acting like he was, using a weapon to try and kill her [redacted] She said her [redacted] would have killed her [redacted] if the deputies had not come in and stopped him.

[redacted] told investigators basically the same as her [redacted] regarding the abusive [redacted] history, the assault on [redacted] at her [redacted] Suspect Martin Escobar, residence and the trip to Lancaster Sheriff Station.

[redacted] continued that they left the sheriff station and drove to her [redacted] apartment. As they drove down Tenth Street, she saw her [redacted] following them. When they arrived at the apartment, her [redacted] told the suspect she wanted him to leave as she opened the garage door and drove in. [redacted] then entered the apartment as her [redacted] remained outside, arguing. She saw cigarette butts smashed into the carpet and noticed that her [redacted] had smashed the television. The suspect then walked inside with a confused look as if he did not realize he had done the damage. The look on his face was of complete confusion and rage. As [redacted] called the sheriff's station, [redacted] walked out with her [redacted] to get the manager. The suspect closed and locked the door.

[redacted] said she ran around to the front of the apartment where she observed, through the front window, the suspect waving a machete. Her [redacted] somehow ended up on her back and her dad was running the blade of the machete down her chest. Someone opened the front door from the inside, and for a second she was able to enter and punch her [redacted] He

then threw her outside and locked the door again.

[redacted] said she looked through the front window again and saw that her [redacted] had her [redacted] on the stairs. They then moved near the window where the suspect was running the knife down her [redacted] body, as though he wasn't really trying to cut her. [redacted] tried kicking the door in but she couldn't. She began screaming for help.

[redacted] said deputies came running up to the apartment, kicked the door and made entry. Her dad ran towards the livingroom and then was shot. She saw the deputies with their guns raised, and she heard the shot, but she did not actually witness the shooting. She could not see if her dad had the machete in his hand when he was shot.

[redacted] who was in her apartment directly across the walkway form the location, told investigators that she heard a young girl outside screaming that her [redacted] was trying to kill her [redacted] She looked through the window of apartment #[redacted] and observed a young girl holding a baby. She also saw Suspect Escobar stab somebody or something twice in an over-head fashion with what she described as a long knife; she could see the suspect, but whatever he was stabbing was below the window line and out of her view. She then saw the suspect throw a woman into the kitchen.

Ms. [redacted] said deputies arrived and went into apartment #[redacted] She then heard two shots and saw a deputy standing facing towards her direction and pointing his gun down. She was unable to see what the suspect was doing after the deputies arrived.

Deputy John Sikich told investigators that on August 24, 2000, he was working a probation/parole sweep across the street from the location when he monitored SCC asking for a unit to respond Code 3 to a spousal assault now call at the location. Sikich and his partner, Deputy Steve Timm, began walking towards the location.

Deputy Sikich said that as they came upon the pathway leading to the apartment, he heard males yelling and a female screaming from inside the apartment. As they got closer, he heard deputies yelling, "Get on the ground, get on the ground, drop the knife." He then walked through the front door behind Deputy Timm and observed Suspect Escobar with a machete, he believes in his right hand, up over his head as if he were going to swing it down on somebody. The suspect was standing in the hallway near the livingroom, but Sikich could not see anybody else in the hallway. He then heard Deputy [redacted] say something like, "He's going to hit me or he's going to get me."

Sikich stated that he then heard a shot and the suspect fell to the floor, dropping the machete. Escobar rolled around a little with the machete still next to him. Deputies Carter and [redacted] then came out of the little hallway area, detaining the suspect at gunpoint. Deputy Timm used his foot to slide the machete about three feet away from the suspect. Deputy Carter then escorted Victim [redacted] outside.

Deputy Steve Timm told investigators substantially the same as Deputy Sikich, adding that Deputies Carter and [redacted] were about 120 yards ahead of them as they proceeded to the location.

Deputy Timm said that when he enter the location, he observed Carter and [redacted] pushing somebody into or forcing someone against the wall of a hallway near the kitchen. He could just see parts of bodies, but he could tell a struggle was taking place. He then heard [redacted] say, "Tommy, he's trying to get me with the knife." He believes he then heard Carter say, "Move out of the way." Suspect Escobar then said, "You're going to have to fucking kill me." The suspect was then shot and fell to the floor with the machete still in his hand. Timm moved the knife with his foot away from the suspect, walked out of the apartment and requested two paramedic units.

[redacted] who is [redacted] to the suspect's [redacted] and whose [redacted] the suspect was [redacted] at, told investigators that her [redacted] FH/9, told her that the suspect had hugged her earlier in the day and told her, "Always remember me, I love you." [redacted] thought it was odd that the suspect would tell her [redacted] something like that.

Ms. [redacted] said she believed the suspect stopped taking his prescribed medication for depression.

[redacted] Suspect Escobar's [redacted] from a [redacted] told investigators that at about 1900 hours, August 24, 2000, she received a telephone call from the suspect. He sounded excited and extremely upset. Although she could not remember his exact wording, her [redacted] gave her instructions as though he didn't intend to be around much longer.

Ms. [redacted] said the suspect told her he was expecting a large settlement from a law suit and said that "the bitches were not to get any of it." He was referring to her [redacted] and their [redacted]

SUSPECT'S STATEMENT:

None

MISCELLANEOUS SECTION:

On August 28, 2000, Dr. Chinwah performed the post mortem examination of Suspect Escobar and ascribed the cause of death as a single through and through gunshot wound to the back. The trajectory of the bullet was from left to right, back to front, and slightly downward.

An administrative assistant for Dr. [redacted] told investigators that Suspect Martin Escobar was his [redacted] The suspect's [redacted]

Dr. [redacted] last saw the suspect on [redacted].



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY • Chief Deputy District Attorney
PETER BOZANICH • Assistant District Attorney

DAVID H. GUTHMAN • Director

March 29, 2001

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Los Angeles, California 90040

Dear Captain Merriman:

Re: J.S.I.D. File # 100-8747/00-0509
L.A.S.D. File # 000-11759-1126-057

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 24, 2000 fatal shooting of Martin Garcia Escobar (DOB 01/29/53) by Los Angeles County Deputy Sheriff Tom Carter. For the reasons set forth below, this office declines to initiate criminal charges against this deputy.

The following analysis is based upon a thorough examination of the 112-page package of reports and 178 photographs submitted to this office on March 2, 2001 by Detectives Joseph Martinez and Linda Muse of the Sheriff's Homicide Bureau. Additionally, District Attorney personnel, including this writer, responded to this deputy involved shooting pursuant to the District Attorney Response Team Protocol. DART personnel responded to [redacted] Kingtree Avenue, #[redacted] Lancaster, the scene of the shooting, and were briefed by L.A.S.D. Homicide Lieutenant Daniel Rosenberg. DART members participated in interviews of civilian witnesses on the date of the incident and in a subsequent re-interview conducted on August 29, 2000. District Attorney Senior Investigator [redacted] was also present at Escobar's autopsy conducted at the Los Angeles County Department of Coroner on August 28, 2000.

FACTUAL ANALYSIS

On Thursday, August 24, 2000, at 7:55 p.m., deputies from the Lancaster Gang Detail and the Antelope Valley Gang Enforcement Team were conducting a parole and probation sweep at the apartment complexes located at [redacted] and [redacted] when they received a call from the Sheriff's Communications Center. The dispatcher advised them of a call of a man attacking a woman with a knife at [redacted] Kingtree Avenue, the apartment complex directly across

the street from where the deputies were conducting their operation.

Deputies Tom Carter and [redacted] immediately responded to the location and were contacted in an outside breezeway by [redacted] the [redacted] of Martin Escobar and [redacted] Escobar and Ms. [redacted] were divorced but continued to have frequent contact.

Miss [redacted] told the deputies, "He's got my [redacted] with a knife, he's holding my [redacted] with a knife." She then directed the deputies to apartment [redacted] The deputies looked through the opened drapes of the living room window and saw a television that had a smashed screen and observed various items that were scattered about. The muffled screams of a woman were heard coming from behind the front door of the apartment, immediately to the west of the living room window. Deputy Carter kicked open the door and saw [redacted] dash across the entryway and into the kitchen. Just inside the doorway, at the landing to the apartment's stairs, the deputies saw Martin Escobar. He raised both of his hands into the air and stated, "Just shoot me, just shoot me." Escobar was ordered at gunpoint to get down on the floor. Ignoring their commands, Escobar turned and ran after Ms. [redacted]

Both deputies entered the apartment and followed Escobar through the living room and ended up in a narrow hallway between the living room and the kitchen. Ms. [redacted] had retreated to a small alcove in the hallway and Escobar confronted her. Deputy Carter observed them grappling with a large machete; Ms. [redacted] had her hands around the blade end and Escobar held the handle. Escobar was pulling and pushing the machete. The deputies told Escobar to drop the knife while they struggled with him. Ms. [redacted] moved away from Escobar and into the kitchen.

Deputy [redacted] grabbed Escobar by his shirt collar and the shirt tore away from his back. Deputy Carter struck Escobar three or four times between his shoulder blades with his flashlight. Escobar kept control of the machete, in spite of Deputy [redacted] grip on Escobar's wrist, and started to raise the weapon. Deputy Carter shoved Escobar against the wall and retrieved his pistol. Jamming the pistol into Escobar's back, Deputy Carter stated, "Drop the fucking knife, damn it, or I'm going to fucking shoot you!" Simultaneously, Deputy [redacted] continued to struggle with Escobar's hands. As Escobar began to turn toward Deputy [redacted] Deputy Carter told his partner to back away because he was about to shoot Escobar. Deputy [redacted] backed away and Deputy Carter again shoved Escobar against the wall. Escobar, still wielding the machete, then turned toward Deputy [redacted] Believing Escobar was going to attack Deputy [redacted] Deputy Carter shot Escobar once in the left side of his back, firing in a downward angle to prevent the round from going through any walls. Escobar collapsed to the floor and finally released the machete.

Escobar was subsequently transported to Antelope Valley Hospital Medical Center where he expired at 1:15 a.m. on August 25, 2000. The gunshot injury was determined to be the cause of

death by the Department of Coroner.

Escobar had been under the care of a psychiatrist and was [redacted] Escobar's family reported that he failed to take the medications as prescribed. Family members also related that Escobar was often physically violent and that he was suicidal on the day of the shooting. Before he assaulted his [redacted] Escobar stated, "It's a good day to die." Ms. [redacted] suffered injuries to her back, hands, and chest as a result of Escobar's machete attack. Escobar had chased her throughout the apartment before the deputies intervened. Spattered blood was found in numerous locations.

CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears to the person claiming the right of self-defense or the defense of another that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. *People v. Williams* (1977) 75 Cal. App. 3d 731.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. *CALJIC* 5.30. 5.32.

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. *People v. Collins* (1961) 189 Cal. App. 2d 575.

Martin Garcia Escobar precipitated this unfortunate event by violently attacking his [redacted] with a large machete. But for the intervention of Deputies Carter and [redacted] it was likely that Escobar would have murdered Ms. [redacted] Escobar not only ignored the deputies' attempts to end his violent assault, he escalated the already dangerous situation by fighting off the attempts of the deputies to disarm him. Deputies Carter and [redacted] acted heroically in stopping the attack on Ms. [redacted] in a nightmarish situation. Deputy Carter only resorted to his lawful use of deadly force in defense of himself, Deputy [redacted] and Ms. [redacted] after Escobar refused to yield his deadly weapon.

Having determined that Deputy Carted acted lawfully, this case is closed and no further action will be taken.

Very truly yours,

STEVE COOLEY
District Attorney

By:

THOMAS R. KRAG
Deputy District Attorney
213/974-5952

cc: Los Angeles Sheriff's Deputy Tom Carter, Serial No. [redacted]